

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13748 OF 2022

Bhagwati Tungachand Sharma ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Mayur Khandeparkar a/w. Adv. Tarun Sharma and Adv. Nausheen Shaikh, Advocate for the Petitioner.

Mr. Y. D. Patil, AGP for the Respondent No.1/State.

Mr. Mayuresh S. Lagu, Advocate for Respondent Nos.2 to 4.

**CORAM: S.V. GANGAPURWALA &
S.G. CHAPALGAONKAR, JJ.**

DATED : DECEMBER 1, 2022

P.C.

1. We have heard the learned Counsel for the petitioner, learned Counsel for Corporation and learned AGP.

2. The petitioner is assailing the resolution passed by the Administrator of the Corporation so also the tender issued pursuant to the resolution.

3. The petitioner has also approached the Government assailing the resolution purportedly under Section 451 of the Maharashtra Municipal Corporation Act, 1949 and the same is *sub judice* before the Government.

4. The learned AGP submits that the State has filed affidavit and states that the decision will be taken as to whether the action as contemplated under Section 451 of

the Maharashtra Municipal Corporation Act, 1949 to suspend the resolution can be taken and this process would require a month to complete. The various grounds are raised by the Government and also by the Corporation. As the resolution is subject matter before the Government, it will be for the Government to take decision upon it.

5. We are also not inclined to stop the tender process. The tender process may proceed further. The Corporation is entitled to open the technical bids so also the financial bids and evaluate the tender on its own merits. However, the work order shall not be issued, unless the Government takes decision on the resolution *sub judiced* before it.

6. The parties may appear before the appropriate Government Authority on 6th December 2022.

7. The parties may take further steps pursuant to the decision taken by the Government on the resolution.

8. All contentions of respective parties are kept open

9. The writ petition is disposed of. No costs.

(S.G. CHAPALGAONKAR, J.) (S.V. GANGAPURWALA, J.)

RAJU
DATTATRAYA
GAIKWAD
Digitally
signed by
RAJU
DATTATRAYA
GAIKWAD
Date:
2022.12.05
11:44:50
+0530